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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,597

05/30/2007

Huiling Liu

FI-83PCT

9890

40570 7590 01/21/2010
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EXAMINER

COVINGTON, RAYMOND K

ART UNIT

PAPER NUMBER

1625

MAIL DATE

DELIVERY MODE

01/21/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- I. Claims 1-19 in part, drawn to nonheterocyclic derivatives of formulas II, VI or VII, classified in multiple classes and subclasses. A single disclosed species is requested for search purposes.
- II. Claims 1-19 in part, drawn to heterocyclic derivatives of formulas II, VI or VII, classified in multiple classes and subclasses. A single disclosed species is requested for search purposes.
- III. Claims 1-19 in part, drawn to non-cyclic derivatives of formulas I, IIIa, IIIb, IV, or V, classified in multiple classes and subclasses. A single disclosed species is requested for search purposes.

- IV. Claim 20, drawn to a process of preparing congeneric compounds of formulas I, IV or, classified in multiple classes and subclasses. A single disclosed species is requested for search purposes.
- V. Claims 21-22, drawn to a process of preparing congeneric compounds of formulas I, II, IV or VII, classified in multiple classes and subclasses. A single disclosed species is requested for search purposes.
- VI. Claim 23, drawn to a process of preparing congeneric compounds of formula III classified in multiple classes and subclasses. A single disclosed species is requested for search purposes.
- VII. Claims 24-27, drawn to the use of compounds of formulas I, II, IV or VII, classified in multiple classes and subclasses. A single disclosed species is requested for search purposes.

The inventions listed as Groups I -VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because

they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In these claims, the numerous variables (e.g. A¹, A², A³, A⁴, B¹, B², Y, etc.) and their voluminous complex meanings and their seemingly endless permutations and combinations and the lengthy list of named compounds in claims 11, and 12, along with the numerous methods involved make it virtually impossible to determine the full scope and complete meaning of the claimed subject matter. As presented, the subject matter cannot be regarded as being a clear and concise description for which protection is sought and as such the listed claims do not comply with the requirements of PCT Article 6.

The compounds of groups I-III would not render the compounds of a different group I-III unpatentable.

The processes of groups IV-VI would not render the compounds of a different group IV-VI unpatentable.

Group VII would not encompass, for example compounds of group III

Applicants are required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable

or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Composition claim 23 will be searched with the corresponding elected subject matter.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence

now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Covington whose telephone number is (571) 272-0681. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres at telephone number (571) 272-0867.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/R. C./
Examiner, Art Unit 1625

/Janet L. Andres/
Supervisory Patent Examiner,
Art Unit 1625